

REMARKS

Reconsideration of the above-identified application in view of the above Amendments and following remarks is respectfully requested. By the present Amendment, claims 1, 4, 7, 10, 13, 16-19 have been amended. The Applicant respectfully submits that no new matter has been added by this Amendment.

I. Rejection of Claims 1-6, 10, 13, 16, 18 and 19 under 35 U.S.C. §112:

In the Action, claims 1-6, 10, 13, 16, 18 and 19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner objected to the use of the term "thereof" in Claim 1, line 7; the language "first and second member" in Claims 4 and 10 (lines 3 and 5); claim 13 for the reasons stated in the Action, claim 16 for various informalities relating to antecedent basis; and claims 18 and 19 for improper dependency.

By the present Amendment, claims 1, 4, 10, 13, 16, 18 and 19 have been amended in order to overcome these rejections. These Amendments are not considered to narrow the scope of the claims and are being made merely to address the Examiner's concerns in order to expedite allowance of the case.

Accordingly, withdrawal of the rejection of claims 1-6, 10, 13, 16, 18 and 19 under 35 U.S.C. §112 is respectfully requested.

II. Rejection of Claims 1-19 under 35 U.S.C. §102(b):

In the Action, claims 1-19 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,689,867 to Katz..

Katz discloses an interchangeable clasp including a clasp body (100) having two connector members (110) connected at opposite edges of the clasp body. In use, the connector members (110) are receivable within a receiving recess (120). As shown in Figs. 5a and 5b, the connector member (110) and receiving recess (120) may be attached to opposing edges of clasp body (100) such that the clasp can be coupled to corresponding members disposed on a strap having a length (17). The

clasp may then be removed and the opposing ends of the length (17) attached to each other in order to secure the length without the clasp.

In contrast to Katz, Applicant's invention as claimed in amended claims 1 and 16, includes an ornamental enhancer having an upper edge which supports a coupling device that is engageable with a clasp disposed on, for example, a necklace. The coupling device is supported on the upper edge of the enhancer such that the enhancer hangs below the coupling device during use. The ornamental enhancer of the present invention provides an attractive focal point to the necklace (or other piece of jewelry) when attached thereto similar to a pendant. When the enhancer is removed, the necklace takes on a substantially different look.

Katz, on the other hand, is directed to a clasp which may be decorative in nature, but which is designed to sit between two ends of a length (17) in order to secure the lengths, and as a result is not intended to hang in a manner similar to a pendant as the ornamental enhancer of the claimed invention. Decorative clasps are well known in the jewelry field and serve a different purpose from pendants or enhancers in the fact that they have a different aesthetic appeal. Aesthetic appeal is an important factor in a consumer's purchase of jewelry.

In view of the foregoing, the Applicant respectfully submits that independent claims 1 and 16, and claims 2-15 and 17-19 which depend therefrom patentably distinguish the subject invention over Katz. Accordingly, withdrawal of the rejection of claims 1-19 under 35 U.S.C. §102(b) as being anticipated by Katz is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant respectfully submits that all of the claims pending in the above-identified application, namely claims 1-19 are in condition for allowance and a notice to that affect is earnestly solicited.

If the case is found by the Examiner not to be in condition for allowance, then the Applicant hereby requests a telephone or personal interview to facilitate the resolution of any remaining matters. Applicant's attorney may be contact by telephone at the number indicated below to schedule such an interview.

The Patent and Trademark Office is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our Deposit Account No. 19-0120.

Respectfully submitted,

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